

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:07CV394

TWO MEN AND A TRUCK)	
INTERNATIONAL, INC., a Michigan)	
corporation,)	
)	
Plaintiff,)	
)	
Vs.)	<u>PRELIMINARY</u>
)	<u>INJUNCTION</u>
CLETE, INC., a North Carolina)	
corporation, d/b/a TRUCK AND TWO)	
GUYS MOVING; and BRUCE)	
HENSLEY, an individual, jointly and)	
severally,)	
)	
Defendants.)	
_____)	

For the reasons stated in the Memorandum and Order filed
contemporaneously herewith,

IT IS, THEREFORE, ORDERED that Plaintiff's motion for preliminary
injunctive relief is **GRANTED**;

IT IS FURTHER ORDERED that Defendants, their agents, servants,
employees and/or representatives and all those persons who act in concert
or participation with any or all of them, individually or jointly, are hereby

IMMEDIATELY RESTRAINED AND ENJOINED from using – whether in advertising, offering for sale, or selling of products or services – the designation “Truck and 2 Guys Moving,” and any other confusingly similar mark, trade name, domain name or logo or any other word or words confusingly similar to Plaintiff’s TWO MEN AND A TRUCK® service marks, trade names or logos in any manner, unless expressly authorized by Plaintiff in writing. This injunction includes, but is not limited to, the use of the challenged designation on trucks or other vehicles to advertise, promote, or carry out Defendants’ moving business.

IT IS FURTHER ORDERED that Defendants’ business telephone numbers, (828) 452-3051, (828) 697-7889, (828) 252-0228, (828) 712-6683 and (865) 573-4812, along with any other telephone numbers Defendants may be using in conjunction with the “Truck & 2 Guys Moving” name, shall be **IMMEDIATELY REASSIGNED** to Plaintiff so as to avoid the likelihood of confusion.

IT IS FURTHER ORDERED that, within **THIRTY DAYS** from the entry of this Preliminary Injunction, Defendants are required to identify any business location at which they are using the name “Truck & 2 Guys Moving,” or any other confusingly similar designations and, for each

location, account to the Court for all sales and profits derived by Defendants, individually or jointly, while using and advertising their moving business using the “Truck & 2 Guys Moving” trade name.

IT IS FURTHER ORDERED that all supplies, labels, signs, manuals and other materials in the possession, custody and control of Defendants which violate this Preliminary Injunction herein described, shall be destroyed **FORTHWITH**.

IT IS FURTHER ORDERED that all vehicles advertising Defendants’ moving business as “Truck & 2 Guys Moving” or other confusingly similar name, are hereby prohibited from driving on public roads until the name is removed.

IT IS FURTHER ORDERED that, within **THIRTY DAYS** from the entry of this Preliminary Injunction, Defendants shall file with the Court and serve on Plaintiff a report in writing and under oath, setting forth in detail the manner and form in which Defendants have complied with this Preliminary Injunction, in accordance with 15 U.S.C. § 1116(a).

Signed: June 18, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

